

BEFORE THE
WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, D. C.

ORDER NO. 179

Served August 14, 1962

IN THE MATTER OF:

Petition of D. C. Transit)	
System, Inc. for Temporary)	
Authority to Provide Service)	
for the Department of the Navy)	Application No. 212
under Contract NBy(T)-36167)	Docket No. 25

APPEARANCES:

John R. Sims, Jr. and Harold Smith, attorneys for the applicant.

S. Harrison Kahn, attorney for A. B. & W. Transit Company, protestant.

Manuel J. Davis, attorney for W. V. & M. Coach Company, Inc., protestant.

D. C. Transit System, Inc. filed an application for temporary authority to provide service for the Department of the Navy under Contract NBy(T)-36167. Under the terms of the contract, the applicant would provide service for the Department of the Navy between points and places in Virginia, on the one hand, and, on the other, points and places in the District of Columbia, among other places. Operations under the contract would require the applicant to operate intrastate in the State of Virginia and the District of Columbia and at the same time interstate between Virginia and the District of Columbia.

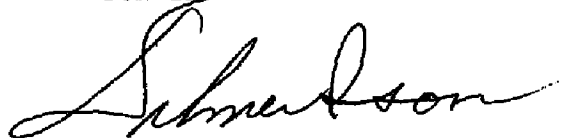
At one time, the applicant held a contract carrier permit from the Interstate Commerce Commission to perform the transportation set forth in the contract. However, pursuant to an order of the United States District Court for the Eastern District of Virginia, the Interstate Commerce Commission revoked this permit on April 18, 1962. This permit was the only vestige of authority to permit the applicant to perform the contract.

Section 4(d)(3) of the Compact provides that, "To enable the provision of service for which there is an immediate and urgent need to a point or points or within a territory having no carrier service capable of meeting such need, the Commission may, in its discretion and without hearings or other proceedings, grant temporary authority for such service." Thus, the Commission may not grant temporary authority where a carrier service capable of meeting such need presently exists.

The Commission is of the opinion and finds that each of the protestants has the requisite authority to perform the Virginia intrastate portions of the contract and the interstate portion as it relates to transportation from Virginia to the District of Columbia, and return. The applicant admits, and the Commission so finds, that it has been conducting operations under the contract since April 18, 1962, without the requisite operating authority.

THEREFORE, IT IS ORDERED that the petition of D. C. Transit System, Inc. for temporary authority to provide service for the Department of the Navy under Contract No. NBy(T)-36167 be, and it is hereby, denied.

FOR THE COMMISSION:

A handwritten signature in cursive script, appearing to read "Delmer Ison", written in dark ink.

DELMER ISON
Executive Director